

ZONING

AUTOMOBILE LEASING CO.

C-13C-03

Three Chopt District

March2003

Ref. 752-760-2509

0 400 Feet



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

May 20, 2003

Virgil R. Hazelett, P.E.
County Manager

Mr. George T. Duke
10070 W. B. Associates, LLC
3800 Stillman Parkway, #200
Richmond, VA 23233

Re: Conditional Rezoning Case C-13C-03

Dear Mr. Duke:

The Board of Supervisors at its meeting on May 13, 2003, granted your request to conditionally rezone property from B-2C Business District (Conditional) to B-3C Business District (Conditional), on part of Parcel 752-760-2509, described as follows:

0.467 Acres Part of GPIN 752-760-2509

Beginning at a point on the northern boundary of the right of way line of West Broad Street Road, said being approximately 616.01' northwest of the intersection of the northern boundary of the right of way line of West Broad Street Road and the western boundary of the right of way line of Gaskins Road. Thence leaving the northern boundary of the right of way line of West Broad Street Road in a northeasterly direction; N26°23'12"E 307.13' to a point, said point being the actual point and place of beginning for the 0.467 acres. Thence in an easterly direction with fifteen (15) courses and distances: (1) N26°23'12"E 201.28' to a point; (2) thence S63°36'48"E 47.50' to a point; (3) thence S58°04'34"E 15.05' to a point; (4) thence S49°13'49"E 13.85' to a point; (5) thence S36°08'06"E 10.20' to a point; (6) thence S26°13'20"E 21.62' to a point; (7) thence S26°48'08"W 83.87' to a point; (8) thence S13°28'14"E 16.77' to a point; (9) thence S26°51'50"W 72.46' to a point; (10) thence N65°57'07"W 55.82' to a point; (11) thence N53°37'33"W 11.07' to a point; (12) thence N71°19'59"W 7.65' to a point; (13) thence N85°58'25"W 7.38' to a point; (14) thence S67°37'42"W 6.87' to a point; (12) thence N63°36'48"W 26.04' to a point; said point being the point and place of beginning, containing 0.467 acre.

The Board of Supervisors accepted the following proffered conditions, dated April 25, 2003, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and

materials. The buildings to be constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of either, or a combination of, face brick, natural stone, split-face block or glass unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. Any building constructed predominantly of split-face block shall incorporate other approved materials as trim, architectural decoration or design elements. E.I.F.S. may be used as a material accessory to those predominant materials referenced above. No building on the Property shall be covered with, or have exposed to view, any sheet or corrugated aluminum or metal, exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos, unless otherwise specifically requested and approved at the time of Plan of Development. The architectural design of all buildings to be constructed on the Property shall be complementary with the buildings constructed on the adjacent property to the west which is subject to Case No. C-58C-93 as determined at the time of Plan of Development.

2. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty-five (25) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Exterior lighting shall be reduced to security levels after hours of operation.

3. Use Restrictions. The only B-3 use permitted on the Property shall be automobile and truck rental, provided that no vehicles shall exceed 6,500 pounds of gross vehicle weight. The following additional uses shall not be permitted on the property:
 - i. sexually-oriented businesses including, but not limited to, adult video stores;
 - ii. flea markets or antique auctions;
 - iii. gun shop, sales and repair;
 - iv. massage parlors;
 - v. automotive filling and service stations;
 - vi. automotive service and repair facilities;
 - vii. restaurants with drive through windows;
 - viii. billiard, bagatelle, video game or a bingo parlor;

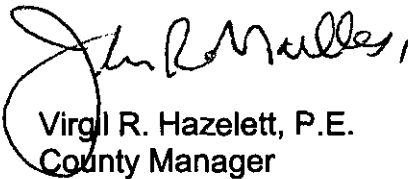
- ix. billboards;
 - x. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - xi. dance halls;
 - xii. attention getting devices;
 - xiii. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverages Control; and
 - xiv. establishments whose primary business is check casing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).
4. HVAC. Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the property lines by means of parapets or other architectural features, in a manner approved at the time of Plan of Development.
5. Central Trash Receptacles. Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved at the time of Plan of Development.
6. Building Heights. No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of chimneys or other architectural design features on any building.
7. Signs. Any detached sign on the property shall be ground-mounted, monolithic-type signs and shall not exceed fifteen (15) feet in height above grade and, if lighted, internally lit. The detached signs on the Property shall be compatible in type and appearance with other detached signs on the adjacent property to the west which is subject to Case No. C-58C-93. The non-detached signs on the Property shall be compatible in type and appearance with other non-detached signs on the adjacent property to the west which is subject to Case No. C-58C-93 and, if lighted, shall be internally lit.

Mr. George T. Duke
10070 W. B. Associates, LLC
May 20, 2003
Page 4

8. Hours of Operation. Hours of operation shall be regulated pursuant to the B-2 District Standards. There shall be no vehicle washing or vacuuming before 7:30 a.m. or after 6:30 p.m.
9. Severance. The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.
10. No Maintenance of Rental Vehicles. For so long as the Property is used for a rental car business, there shall be no maintenance or repair of vehicles on site other than for the washing or vacuuming of vehicles. Any such washing shall be done on the north side of the building (away from West Broad Street) and, if required by the County in the future, such washing would be conducted within a tent-like structure for screening purposes.
11. Available Rental Vehicles. For so long as the Property is used for a rental car business, no more than nine (9) vehicles shall be on the Property available for rental at any one time.
12. One Use In Building. For so long as the Property is used for a rental car business, no more than one (1) business shall occupy the building on the Property.
13. Supplemental Landscaping. Supplemental landscaping consistent with the standards applicable to Transitional Buffer 35 shall be provided in the area adjacent to the northernmost parking area to lessen the visual impact of such parking area.
14. Fencing. Chain link or other security fencing (excluding the existing chain link and wrought iron fences) shall be prohibited.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,


Virgil R. Hazelett, P.E.
County Manager

6
pc: Director, Real Estate Assessment
Conditional Zoning Index